

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has amended Claims 1, 13, 26 and 27 and added Claim 33. Applicant respectfully submits that no new matter has been added by these amendments. Thus, Claims 1-33 remain pending in this application. This application has been carefully reviewed in light of the Official Action mailed April 21, 2005. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §§ 102 & 103

Claims 1-5 and 10-32 stand rejected as anticipated by U.S. Patent No. 6,662,226 ("Wang"). Claims 6-9 stand rejected as unpatentable over U.S. Patent No. 6,662,226 ("Wang") in view of U.S. Patent No. 6,414, 725 ("Clarin"). Applicant respectfully traverses this rejection.

Independent Claims 1, 13, 26 and 27

Applicant has amended Claims 1, 13, 26 and 27 to more specifically point out and distinctly claim the present invention, support for which can be found in the specification. Applicant respectfully submits that no new matter has been added by these amendments.

Claim 1, as amended, recites "a transaction management system comprising: a server that hosts a transaction; a network; a client connected in a communicating relationship with the server over the network, and the client participating in the transaction hosted by the server; and a filter operating between the server and the client to capture data associated with the transaction, wherein the data includes dynamic content passing between the server and the client." Amended Claims 13, 26 and 27 recite similar limitations.

As recited in the response to Office Action of July 6, 2004: upon the occurrence of an event, the transaction management system may begin capturing data associated with a transaction between a client and a server. This data may be any type of data that passes between the client and the server and includes of dynamic content, for example, streaming audio or video data. Additionally, because this data may be captured as it passes between a client and a server, it is captured before it is presented to a user, and thus the data may be captured in a presentation independent format.

Wang, in contrast, presents a system for analyzing a user's interaction with a user interface. To achieve this, Wang records individual and sequenced display presentations at a user locale. (See Col 1, Line 63- Col. 2, Line 9) These display presentations are screen displays which support a transaction; a user can interact with these screen displays to conduct the transaction. (See Col. 3, Line 33-35). These screen displays are captured images of an interface displayed to a user at a particular point in time, when an image is captured the image is then transported to a storage area. (See Col. 8, Lines 38-40, 55-57). Thus, the screen displays captured by Wang represent an image displayed to a user at a terminal device at a particular instant in time. In fact, these images captured by Wang may bear no relation to the data used to cause that display. For example, a display may be created by a browser rendering an HTML page. When Wang captures that display, the image Wang captures may be in the form of a bitmap (for example). As can be seen, a bitmap of a displayed image bears little to no relation to the HTML code that the browser used to create the displayed image.

As Wang captures static display images presented to a user at a terminal at one particular instant in time, Wang captures how data is rendered or presented to a user at a particular time, not the actual data that is passed between the client and server during a transaction. Consequently, Wang is not capable of capturing entire portions of dynamic content that may be passed between a client and a server such as streaming audio or video data etc. Additionally, Wang cannot capture data in a presentation independent format, as Wang captures the actual presentation of the data, not the data itself.

Because Wang captures static display images used to support a transaction, Wang does not disclose a filter operating between the server and the client to capture data associated with the transaction, wherein the data includes dynamic content passing between the server and the client as recited by Claim 1.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claim 1. Additionally, as Claims 13, 26 and 27 recite limitations similar to those in Claim 1, Applicant respectfully requests the withdrawal of the rejection of these claims as well.

Dependent Claims 2-12, 14-25 and 28-32

Applicant respectfully submits that dependent Claims 2-12, 14-25 and 28-32 are patentable as further limitations on patentable independent claims. Consequently, Applicant respectfully requests the withdrawal of the rejection of Claims 2-12, 14-25 and 28-32.

Newly Added Claim 33

Claim 33, support for which can be found in the specification, has been added to more distinctly point out and claim the present invention. Specifically, Claim 33 recites capturing data associated with a transaction by evaluating the data flowing between a server and a client and capturing data associated with the transaction as it passes between the client and server.

After reviewing the cited portions of Wang and Clarin, Applicant does not believe that either of these references discloses capturing the data associated with the transaction as it passes between the server and client. Accordingly, allowance of Claim 33 is respectfully requested.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-33. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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